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STATE OF CALIFORNIA | ELECTIONS

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Summary of Qualifications and Requirements for
WRITE-IN CANDIDATES
for the Offices of

State Senator
(20 Districts, Odd-Numbered)

Member of the State Assembly
(80 Districts)

United States Representative in Congress
(53 Districts)

June 3, 2008 Statewide Direct Primary Election

or

November 4, 2008 General Election

I. QUALIFICATIONS

A. A candidate for **United States Representative in Congress**, shall be at least 25 years of age, a U.S. citizen for seven years, and a resident of California when elected.

U.S. Const., art. I, § 2

B. A candidate for **State Legislative** office shall:

1. Be a U.S. citizen.

Cal. Const., art. IV, § 2(c)

2. Be a registered voter and otherwise qualified to vote for that office at the time nomination papers are issued to the person.

§ 201¹

3. Not have served two terms in the State Senate since November 6, 1990, if a candidate for State Senate; not have served three terms in the State Assembly since November 6, 1990, if a candidate for State Assembly.

Cal. Const., art. IV, § 2(a)

¹ Unless otherwise stated, all code references are to the California Elections Code.

II. GENERAL REQUIREMENTS

In general, write-in candidates must file declarations of write-in candidacy and submit nomination sponsor signatures, as well as meet campaign disclosure requirements. They do not pay filing fees. The specific requirements follow.

A. CAMPAIGN COMMITTEE FILINGS AND RESPONSIBILITIES

1. For **state legislative offices**, the write-in candidate should contact the Political Reform division of the Secretary of State's office at (916) 653-6224.
2. For **federal offices**, the write-in candidate should contact the Federal Election Commission at 999 E Street, N.W., Washington, D.C. 20463 or call toll-free 1-800-424-9530 for a copy of the Federal Election Campaign Act, As Amended, related regulations giving the filing requirements for reporting campaign contributions, and the forms on which to file.

B. STATEMENT OF WRITE-IN CANDIDACY

1. The statement of write-in candidacy shall contain the following information:
 - a. candidate's name;
 - b. candidate's complete residence address;
 - c. a declaration stating that the candidate is a write-in candidate;
 - d. the name of the office for which the candidate is running;
 - e. the party nomination which the candidate seeks, if running in a primary election; and
 - f. the date of the election. § 8600
2. The statement of write-in candidacy shall set forth in full the oath or affirmation provided in Section 3 of Article XX of the California Constitution. § 200
3. For the **statewide direct primary election**, the statement of write-in candidacy and nomination papers must be filed between April 7 (E-57) and May 20, 2008 (E-14). § 8601
 - a. The candidate does not have to be registered with the party whose nomination he or she is seeking, nor with any qualified political party. He or she must be registered to vote in California.* § 201
 - b. The candidate may seek the nomination of more than one qualified political party. The candidate must file a statement of write-in candidacy and nomination papers for each nomination.
4. For the **general election**, the statement of write-in candidacy must be filed between September 8 (E-57) and October 21, 2008 (E-14).

* There is no durational residency requirement to be a candidate for United States Representative in Congress.
wi2008

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- a. The candidate does not have to be registered with any qualified political party.
He or she must be registered to vote in California.* § 201
- C. FILING FEE
Write-in candidates are not required to pay filing fees. § 8604
- D. NOMINATION PAPERS
1. The required number of signers to a write-in candidate's nomination paper for United States Representative in Congress or state legislative office is not less than 40 nor more than 60. § 8062
2. For the **statewide direct primary election**, between April 7 and May 20, 2008, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601
- Signers** must be voters in the district or political subdivision in which the write-in candidate is to be voted on and of the same political party as the party in which the write-in candidate is seeking nomination in the primary. § 8603
3. For the **general election**, between September 8 and October 21, 2008, circulate nomination papers for signatures and leave them for examination with the county elections official of the county in which the signers reside. § 8601
- There is no party affiliation requirement for signers of write-in nomination petitions in the general election.
4. Circulators shall be voters in the assembly, senate, or congressional district in which the candidate is seeking election. § 8066
5. Each section of the nomination paper shall be delivered to the county elections official of the county in which the signer resides and is a voter not later than May 20, 2008 for the statewide direct primary election; not later than October 21, 2008 for the general election. §§ 8063 & 8601
- E. QUALIFYING TO HAVE NAME PRINTED ON GENERAL ELECTION BALLOT
- In order for a write-in candidate in the statewide direct primary election to qualify as the nominee of a political party and have his or her name printed on the general election ballot, he or she must receive more votes than any other candidate running for the party's nomination and must also receive write-in votes equal to at least 1% of all votes cast for that office at the last preceding general election at which the office was filled. The minimum number of votes required to obtain the write-in nomination are attached as pages 8-10 of this document. § 8605

F. STATEMENT OF ECONOMIC INTERESTS

The candidate should contact the Political Reform division of the Secretary of State's office at (916) 653-6224.

III. CANVASS OF WRITE-IN VOTES

- A. No name written upon a ballot in any election shall be counted for an office or nomination unless the candidate whose name has been written on the ballot has been certified as a write-in candidate. §15341

See Title 2 California Code of Regulations §§ 20101-20105, attached, for provisions relating to the canvass of incomplete write-in votes.

- B. The name of a write-in candidate shall be written by hand upon a ballot. The use of pressure-sensitive stickers or methods other than handwriting of indicating the name of the write-in candidate are not valid, and a name indicated by any such method shall not be counted. § 15342(c)

FREQUENTLY-ASKED QUESTIONS CONCERNING WRITE-IN CANDIDACIES

Q.:Can anyone run as a write-in candidate?

A.:Any person who meets the qualifications for the specific office may run as a write-in candidate. However, in order for votes to be counted and certified, the candidate must comply with the specific legal requirements set forth above.

Q.:Where can persons obtain the forms they must file to run as a write-in candidate?

A.:There is no statutory provision requiring county elections officials to supply forms; however, the official may have the forms necessary for a candidate to complete in order to run as a write-in candidate. The candidate should check with his/her county elections official.

IMPORTANT NOTICE

This Information Sheet of Qualifications and Requirements is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. The candidate should obtain the most up-to-date information available because of possible changes in law or procedure since the publication of this information.

Title 2 California Code of Regulations
Write-In Canvass Provisions

Section 20101. Definitions.

- (a) For the purpose of sections 20102-20105, "qualified write-in candidate" shall refer to candidates who have complied with Part 3² of Division 8 of the Elections Code (beginning at Section 8600).
- (b) For the purpose of sections 20102-20105, "ballot" shall include ballot envelope, card, or paper ballot on which write-in votes are authorized to be indicated by Elections Code §302.

Section 20102. Write-in vote; no office indicated.

The name of a qualified write-in candidate shall be counted when the name is written in on a voter's ballot and no office is indicated for the candidate, or the office is incompletely indicated (e.g., "Senator" without district number), if:

- (a) the candidate is a qualified write-in candidate for an office properly appearing on the voter's ballot; and
- (b) no other qualified write-in candidate for any office appearing on the voter's ballot bears a name so similar to the name as written in, considering the voter's misspellings or omission of portions of the name, if any, as to leave a reasonable doubt as to the voter's intention.

Section 20103. Write-in vote; misspelled or incomplete name.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate when the office for which the candidate has qualified is also indicated on the voter's ballot, if:

- (a) the name as written in bears a reasonable resemblance to the qualified candidate's name; and
- (b) no other write-in candidate qualified for the indicated office has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20104. Write-in vote; misspelled or incomplete name, office omitted.

The misspelled or incomplete name of a qualified write-in candidate written in on a ballot shall be counted for the candidate even though the office for which the candidate has qualified is omitted or incompletely indicated on the voter's ballot, when:

- (a) the name as written bears a reasonable resemblance to the qualified candidate's name; and
- (b) no other write-in candidate qualified for any office properly appearing on the voter's ballot has a name that is so similar to the name as written in as to leave a reasonable doubt as to the voter's intention.

Section 20105. Write-in vote; wrong office indicated.

The name of a write-in candidate qualified for an office appearing on the voter's ballot which is written in the pre-printed column designated for an office other than one for which the write-in candidate is qualified shall not be counted for any purpose.

² The Elections Code sections referenced in these regulations have been changed to reflect the accurate Elections Code sections to which they refer, but the regulations themselves have not been similarly amended.

UNITED STATES REPRESENTATIVE IN CONGRESS

District	Total Votes November 2006	Votes Required for Nomination	District	Total Votes November 2006	Votes Required for Nomination
1	218,044	2,181	28	108,042	1,081
2	210,202	2,103	29	143,404	1,435
3	228,169	2,282	30	211,734	2,118
4	276,893	2,769	31	64,952	650
5	149,266	1,493	32	91,686	917
6	246,628	2,467	33	113,715	1,138
7	140,486	1,405	34	74,819	749
8	184,639	1,847	35	98,506	986
9	193,686	1,937	36	166,153	1,662
10	196,978	1,970	37	97,962	980
11	206,264	2,063	38	99,801	999
12	182,324	1,824	39	109,533	1,096
13	147,897	1,479	40	151,289	1,513
14	198,575	1,986	41	164,044	1,641
15	159,718	1,598	42	129,720	1,298
16	136,059	1,361	43	81,860	819
17	159,293	1,593	44	149,316	1,494
18	108,713	1,088	45	164,251	1,643
19	181,994	1,820	46	195,052	1,951
20	61,120	612	47	75,619	757
21	142,661	1,427	48	200,527	2,006
22	188,504	1,886	49	156,137	1,562
23	175,951	1,760	50	222,102	2,222
24	209,292	2,093	51	115,839	1,159
25	156,773	1,568	52	191,369	1,914
26	179,144	1,792	53	144,387	1,444
27	134,724	1,348			

STATE SENATOR

District	Total Votes November 2006	Votes Required for Nomination
1	415,961	4,160
3	378,745	3,788
5	296,058	2,961
7	282,714	2,828
9	322,519	3,226
11	346,451	3,465
13	228,091	2,281
15	368,874	3,689
17	301,508	3,016
19	384,450	3,845
21	278,675	2,787
23	349,137	3,492
25	224,647	2,247
27	237,608	2,377
29	308,559	3,086
31	287,212	2,873
33	355,429	3,555
35	360,907	3,610
37	306,180	3,062
39	334,706	3,348

MEMBER OF THE STATE ASSEMBLY

District	Total Votes November 2006	Votes Required for Nomination	District	Total Votes November 2006	Votes Required for Nomination
1	153,884	1,539	41	126,950	1,270
2	140,622	1,407	42	128,259	1,283
3	143,859	1,439	43	88,517	886
4	164,807	1,649	44	113,536	1,136
5	136,727	1,368	45	54,188	542
6	161,894	1,619	46	30,518	306
7	100,726	1,008	47	99,770	998
8	118,409	1,185	48	48,789	488
9	88,584	886	49	62,212	623
10	137,923	1,380	50	50,229	503
11	103,845	1,039	51	71,234	713
12	104,116	1,042	52	37,959	380
13	127,697	1,277	53	129,092	1,291
14	143,019	1,431	54	115,018	1,151
15	162,505	1,626	55	73,427	735
16	101,767	1,018	56	75,657	757
17	79,782	789	57	69,815	699
18	102,308	1,024	58	77,645	777
19	119,757	1,198	59	120,999	1,210
20	93,786	938	60	106,811	1,069
21	140,418	1,405	61	58,121	582
22	97,310	974	62	49,451	495
23	67,648	677	63	98,995	990
24	116,128	1,162	64	108,815	1,089
25	127,875	1,279	65	112,933	1,130
26	93,693	937	66	101,663	1,017
27	141,941	1,420	67	117,104	1,172
28	75,873	759	68	89,432	895
29	117,145	1,172	69	43,193	432
30	54,771	548	70	130,177	1,302
31	45,004	451	71	116,780	1,168
32	118,649	1,187	72	94,130	942
33	136,384	1,364	73	103,012	1,031
34	83,248	833	74	125,727	1,258
35	123,977	1,240	75	134,658	1,347
36	90,575	906	76	114,797	1,148
37	136,798	1,368	77	114,649	1,147
38	124,235	1,243	78	102,153	1,022
39	40,603	407	79	62,832	629
40	80,132	802	80	82,405	825